

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ANGEL OCASIO,**

**Defendant.**

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**Cause No. EP-11-CR-2728-KC**

**GOVERNMENT’S UNOPPOSED  
MOTION TO ENLARGE TIME IN WHICH TO RESPOND**

TO THE HONORABLE COURT:

COMES NOW the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, and files this Unopposed Motion to Enlarge Time in Which to Respond, and for cause would show this Honorable Court the following:

**I. BACKGROUND**

On May 20, 2013, this Court considered the Defendant’s Motion for Reconsideration of Order of April 26, 2013, ECF No. 126 and the Government’s response ECF No. 128. In the Defendant’s motion he stated he would serve a Rule 17 subpoena on TLO LLC. directing them to turn over the source code and other technical details of the software system. The Defendant was directed to notify the Court when he served the Rule 17 subpoena. The Government was directed, if it so chooses, to file a Motion to Quash the subpoena within forty-eight hours of the serving of the Rule 17 subpoena. The Defendant, thereafter has forty-eight hours to respond, if it so chooses. On May 21, 2013, the Government learned a subpoena had been in fact served on TLO LLC.

## **II. FACTS**

On May 20, 2013, lead Assistant United States Attorney Brandy Gardes was admitted to an out of state hospital for a medical procedure. It is anticipated Ms. Gardes will return to the office on May 28, 2013. On May 21, 2013, the undersigned Assistant United States Attorney requests until May 29, 2013 to file a Motion to Quash the subpoena.

## **III. CONCLUSION AND PRAYER FOR RELIEF**

WHEREFORE, premises considered, the Government respectfully prays that Government's Unopposed Motion for Enlargement of Time be granted to assist the formulation of the Government's response.

Respectfully submitted,

ROBERT PITMAN  
UNITED STATES ATTORNEY

BY: /s/  
J. BRANDY GARDES  
Assistant U. S. Attorney  
CA Bar No. 144770  
700 E. San Antonio, Suite 200  
El Paso, Texas 79901  
(915) 534-6884

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of May, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Mike Gorman, Esq.

/s/  
J. BRANDY GARDES

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**ORDER**

Came on this day for consideration of Government's Unopposed Motion to Enlarge Time. After due consideration thereof, and the parties' request thereto, the Court is of the opinion the Government's motion should be **GRANTED**. The Government is granted until March 29, 2013, in which to file a Motion to Quash.

SIGNED and ENTERED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
KATHLEEN CARDONE  
UNITED STATES DISTRICT COURT JUDGE

